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12 **UNITED STATES DISTRICT COURT**
13
14 **DISTRICT OF NEVADA**

15 DUKE THOMAS NGUYEN,

16 Plaintiff,

17 v.

18 PTS OF AMERICA, LLC, A Foreign Limited
19 Liability Company; THE STATE OF
NEVADA; STATE OF NEVADA BOARD
20 OF EXAMINERS; GOVERNOR BRIAN
SANDOVAL, AS CHAIRMAN OF THE
BOARD OF EXAMINERS; ATTORNEY
21 GENERAL ADAM PAUL LAXALT, AS
MEMBER OF THE BOARD OF
EXAMINERS; SECRETARY OF STATE
22 BARBARA K. CEGAVSKE, AS MEMBER
OF THE BOARD OF EXAMINERS;
TRANSPORTATION EMPLOYEES DOE 1-
23 10; DOES 11-99 inclusive, ROE
CORPORATIONS 100-199, inclusive,

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25
26 Defendants.

27 CASE NO.: 2:18-cv-01717-RFB-(PAL)

28
**JOINT DISCOVERY PLAN AND
(PROPOSED) SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

**SUBMITTED IN COMPLIANCE WITH
LT26-1(b)**

1 Plaintiff, Duke Nguyen, by and through undersigned counsel of record, hereby submits the
2 following Discovery Plan and [Proposed] Scheduling Order pursuant to Rule 26(f)(3) and LR 26-1
3 and the Courts Order on January 23, 2019, [Doc. 18]:

4 1. Initial Pleadings: The Plaintiff filed his Application for Leave to Proceed in Forma
5 Pauperis on September 6, 2018, [Doc. 1]. On January 2, 2019, Plaintiff filed an Emergency Motion
6 for Temporary Restraining Order, [Doc. 6]. This Motion was granted by the Court on January 4,
7 2019, [Doc. 7]. On January 8, 2019, an Order to Produce Plaintiff Duke Thomas Nguyen was entered
8 by Honorable Judge Richard F. Boulware, II, requiring Plaintiff's appearance on January 16, 2019,
9 [Doc. 11]. Plaintiff's Complaint was filed on January 16, 2019, [Doc. 15]. Plaintiff filed an Amended
10 Complaint on February 15, 2019, [Doc. 19]. Plaintiff filed a Second Amended Complaint on May
11 6, 2019 [Doc. 48]. On September 4, 2019 Plaintiff filed his Motion to Allow Service by Publication
12 on Defendant Zachary Brandon which has not yet been ruled upon, [Doc. 62]. On October 21, 2019
13 Defendants U.S. Corrections, LLC, Jacob Evetts, Ryan Rivera, Zachary Brandon and Michael
14 Coleman filed their Motion to Dismiss, [Doc. 67]. On October 29, 2019 Defendant PTS of America
15 LLC filed its Answer to the Second Amended Complaint, [Doc. 72]. On November 5, 2019 Plaintiff
16 filed his response to Defendants U.S. Corrections, LLC, Jacob Evetts, Ryan Rivera, Zachary
17 Brandon and Michael Coleman's Motion to Dismiss, [Doc. 73]. On November 12, 2019 Defendants
18 U.S. Corrections, LLC, Jacob Evetts, Ryan Rivera, Zachary Brandon and Michael Coleman filed
19 their Reply in support of their Motion to Dismiss, [Doc. 74].

20 2. Meeting of Counsel Pursuant to Rule 26(f) and LR 26-1(d) was held on November
21 2019. Jeffrey L. Galliher, Esq. Appeared for Plaintiff, Taylor R. Anderson, Esq. appeared on
22 behalf of Defendants U.S. Corrections, LLC, Jacob Evetts, Ryan Rivera, Zachary Brandon and
23 Michael Coleman and Brian K. Terry, Esq. appeared on behalf of Defendant PTS of America, LLC.
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1 3. **Rule 26(a)(1) Disclosures:** The parties shall make all disclosures required by Rule
2 26(a)(1) in a timely manner.

3 4. **Discovery Scope and Limits:** The parties propose that the parties may conduct
4 discovery on all issues, claims and defenses raised in the pleadings filed in this matter, and any other
5 matters reasonable calculated to lead to the discovery of admissible evidence. The presumptive limits
6 of 10 depositions and 25 interrogatories served by each party on any other party are appropriate.

7 5. **Discovery of Electronically Stored Information:** Electronically stored information
8 will be produced in electronic and searchable form unless another form is agreed between the parties.
9 The parties anticipate working together in an attempt to develop mutually-agreeable ESI protocols
10 and will seek the Court's assistance only if necessary.

11 6. **Issues Concerning Handling Claims of Privilege:** The parties have discussed the
12 need for a protective order for confidential documents and/or information and will be working
13 together to agree on the terms of a stipulated protective order, if necessary.

14 7. **Special Scheduling Review Requested:** Although LR 26-1(e)(1) states that the
15 discovery cut-off date is to be calculated from the date the first defendant answers or otherwise
16 appears, there are extenuating circumstances including pending service of one of the Defendants.
17 Further, the Plaintiff is currently incarcerated in Texas and communications between Plaintiff and
18 his counsel is sometimes slow and difficult as a result. Accordingly, the parties request that the
19 discovery cut-off date be **270 days from the date of filing the Motion to Dismiss** by the U.S.
20 Corrections defendants:

21 8. **Discovery Cut-Off:** The Plaintiff anticipates completion of all discovery in this
22 matter no later than June 17, 2020, which is 270 days from the date of filing of the Motion to Dismiss
23 by the U.S. Corrections defendants.

1 9. **Deadline for Amending the Pleadings an Adding Parties:** Plaintiff anticipates that
2 the deadline for filing motions to amend the pleadings or add parties will be met on or before **April**
3 **20, 2020**, which is 90 days before the discovery cut-off date.

4 10. **Rule 26(a)(2) Disclosures (Experts):** The parties shall disclose all expert witnesses
5 and reports required by Rule 26(a)(2) no later than **May 18, 2020**, which is 60 days before the
6 discovery cut-off date. The parties shall disclose all rebuttal expert witnesses and reports no later
7 than June 17, 2020, which is 30 days after the initial disclosure.

8 11. **Dispositive Motions:** Dispositive motions shall be filed no later than **July 17, 2020**,
9 which is 30 days after the discovery cut-off date.

10 12. **Interim Status Report:** Pursuant to LR 26-3, the Interim Status Report will be due
11 no later than **May 18, 2020**, which is 60 days before the discovery cut-off date.

12 13. **Joint Pretrial Order:** The Joint Pretrial Order shall be filed no later than **August 17, 2020**,
13 which is 30 days after the discovery cut-off date unless a dispositive motion is filed. If a
14 dispositive motion is filed, the Joint Pretrial Order will not be due until 30 days after the dispositive
15 motion is decided.

16 14. **Alternative forms of case disposition:** The parties discussed consent to trial by a
17 Magistrate Judge and the use of the Short Trial Program but do not believe it is appropriate in this
18 matter.

19 15. **Alternative Dispute Resolution:** The parties have discussed the possibility of using
20 alternative dispute resolution processes and agree to discuss settlement and will continue to explore
21 the possibilities of settlement as this case proceeds.

22 16. **Discovery Phases:** The parties do not believe it is necessary to conduct discovery in
23 phases.

17. Extensions or Modification of the Discovery Plan and Scheduling Order: Any stipulation or motion must be made pursuant to LR 26-4 and be supported by a showing of good cause, no later than twenty-one (21) days before the subject deadline.

18. **Electronic evidence:** The parties do not at this time anticipate any issues about disclosures or discovery of electronically stored information, if any, including the form or forms in which it should be produced. The parties shall meet and confer and otherwise work in good faith with respect to the production of electronically stored information should any dispute arise.

Dated this 21st day of November, 2019.

THE GALLIHER LAW FIRM

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U.S. Corrections, LLC, Jacob Evettes, Ryan
Rivera, Zachary Brandon and Michael Coleman

IT IS SO ORDERED

DATED: March 10, 2020

THORNDAL ARMSTRONG DELK
BAKKENBUSH & EISENGER

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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